

**From:** Bob Pendleton  
**To:** Microsoft ATR  
**Date:** 1/23/02 12:14pm  
**Subject:** Microsoft Settlement

I oppose the proposed Microsoft Settlement.

I have read the proposed settlement agreement and I see nothing in it that will actually reverse Microsoft's predatory actions or open the market to non-Microsoft products. I am particularly worried about the way they have chosen to allow businesses limited access to the actual specifications of Windows. That part of the agreement gives a small number of businesses access to the true specifications, but it BARS access to the same specifications by individuals and groups involved in nonprofit activities.

I believe that the only correct course of action is to break Microsoft up into several different companies and to declare the specification of Windows to be an essential facility. Since it is unlikely that Microsoft will be broken up then the specification of all Windows APIs must be declared an essential facility, fully documented and fully disclosed. With the specifications posted on a public web site with paper copies sent to anyone who requests them. And, Microsoft MUST be required to fully publish changes to the APIs at least 6 months in advance of the release of any products that use or provide those APIs. This would give competitors a chance to take advantage of those APIs to compete with Microsoft.

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